HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.14471 OF 2006

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Between:

V.Lachireddy

. . .Petitioner

AND

The Superintendent of Police
and others

. . .Respondents

Counsel for the petitioner : Shri V.Brahmaiah Chowdary

Counsel for the respondents : Advocate General

Dated: 18th July, 2006

: ORDER :

PER G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for issue of a writ of habeas corpus directing the respondents to produce Shri B.Rajender, Supervisor; Shri Srinivas, Supervisor; Shri Ajay, Hitachi Operator; Shri Yakaiah, Hitachi Helper; Shri Veeraswamy, Hitachi Helper, Shri Veerya, Jockey Labour; Shri Sakran, Jockey Labour, Shri Ramesh, Jockey labour; Shri Thota Prabhakar, Jockey labour; Shri Rai, Jockey labour; Shri K.Veera Swamy, Jockey labour; Shri Ashok, Jockey Labour, Shri Venkanna, Jockey labour; Shri Sampath, Jockey labour, Shri Vasam Raj, Jockey, and order their release from the custody of the respondents.

In the affidavit filed by Smt. V.Suvarna Mala w/o Shri Ravinder Reddy, General power of Attorney holder of Shri Vem Lachi Reddy, who is said to have been granted leasehold rights for carrying out mining operations in Survey No.154 of Gundenga Village, it has been averred that on 12.07.2006, Divisional Forest Officer, Warangal (South), Warangal came to the mining site on 10.07.2006 and took away the implements used for mining operations. After two days, respondent No.7 is said to have come to the site at 11.00 a.m. with about 400 police battalion and taken away all employees working on the spot (named hereinabove). The deponent is said to have been informed by their families about the unlawful detention of employees by the police. According to Smt. V.Suvarna Mala, the action taken by respondents is violative of the fundamental rights of the employees.

In the counter-affidavit filed by Shri Ch.Raghunandan Rao,

Circle-Inspector of Police, Gudur Circle, Warangal the allegation of illegal detention of Shri B.Rajender and others has been categorically denied. It has been further averred that on 11.07.2006, a complaint was received from the Forest Range Officer, Gudur that on the previous date, the officers of the department who had gone to stop illegal mining operations being undertaken by Shri V.Ravinder Reddy, they were not only prevented from doing so, but were abused, illegally detained and thrashed out and the Government Vehicle used by them was damaged. On receipt of that complaint, First Information Report was registered under Sections 447, 427, 353, 342 and 506 read with Section 34 IPC. The deponent has further averred that Shri V.Ravinder Reddy, who has been named as an accused in First Information Report, has not been arrested so far, though efforts are on for his arrest.

In a separate counter-affidavit filed by him, respondent No.7 - Dr.G.Narsaiah, Divisional Forest Officer, Warangal has also denied the allegations of the alleged illegal detention of the employees by the authorities of the department with the help of police.

We have heard learned counsel for the parties.

In our opinion, in the face of the categorical denial in the counter-affidavits filed by Shri Ch.Raghunandan Rao and Shri Dr. G.Narsaiah, it is not possible to rely on the bald assertions contained in the affidavit of Smt.V.Suvarna Mala, wife of Shri Ravinder Reddy, who, as mentioned above, is named as an accused in the FIR registered at the instance of the Forest Range Officer that the police and other authorities have illegally detained the employees engaged by her husband Ravinder Reddy. The counter-affidavits also show that Shri Ravinder Reddy is undertaking illegal mining operations in the forest area and when the officers of the department wanted to prevent the same, he took law into his own

hands, detained the officers and damaged the public property.

In this factual situation, we do not find any justification to exercise equitable jurisdiction of this Court under Article 226 of the Constitution of India and entertain the prayer made in the writ petition.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 18.07.2006

kvni/svs